

**DISTRICT ATTORNEY
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OFFICER: TIMOTHY KRAFT
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DISCLOSURE ADVISORY

For the person named above, whom the People may call as a witness, please be advised as follows.

1. The New York City Civilian Complaint Review Board (CCRB) has deemed substantiated an allegation that Timothy Kraft abused his authority during a stop encounter. On October 21, 2003, Timothy Kraft and his partner approached a woman who was standing or sitting outside of a building on the corner in an area with a high rate of prostitution. While the CCRB did not credit the woman's account of the encounter, Timothy Kraft himself stated to CCRB that the woman was not acting suspicious or in a way suggesting she was engaged in prostitution. Nonetheless, Timothy Kraft approached the woman and directed her to move away from the corner. CCRB found that ordering the woman to move from her location on the corner was an unlawful seizure because there could be no reasonable suspicion that she was engaged in any criminal activity.
2. The New York City Police Department (NYPD) has deemed substantiated an allegation that, on or about August 11, 2010, Timothy Kraft created an incomplete/inaccurate report.
3. The New York City Civilian Complaint Review Board (CCRB) has noted other misconduct that, on or about September 1, 2012, Timothy Kraft failed to prepare a memo book entry when he was required to do so. On September 1, 2012 Timothy Kraft and his partner approached a man by his parked car and cited him for playing music too loudly from the car's sound system. Timothy Kraft's partner wrote the man a summons, and they took the car to the Thirty-Fourth Precinct to be vouchered as evidence. Neither Timothy Kraft nor his partner recalled the incident when interviewed by the CCRB. Timothy Kraft's partner, however, acknowledged her handwriting on the summons. The CCRB investigation concluded that it was undisputed that Timothy Kraft's partner wrote the summons and prepared the property voucher for the car, that Timothy Kraft was her partner and that neither prepared memo book entries about the incident. Accordingly, the CCRB cited them for other misconduct for failing to prepare memo book entries.
4. The New York City Civilian Complaint Review Board (CCRB) has deemed substantiated allegations that, on or about September 8, 2012, Timothy Kraft abused his authority by searching a car without sufficient legal authority, and noted other misconduct that Timothy Kraft failed to make memo book entries relating to the incident and failed to prepare a Stop, Question, and Frisk report when he was required to do so. On September 8, 2012, at approximately 12:55 AM, Timothy Kraft and his partner, while on patrol within the confines of the Thirty-Fourth Precinct, observed an automobile parked at a fire hydrant with the engine running and music playing loudly from the automobile. The driver/owner of the automobile had parked at the hydrant while he went into a convenience store to get something to drink. He left his passenger with the car. As Timothy Kraft and partner

approached the car and inquired to its ownership, the driver came back, acknowledged that he was the driver/owner and provided documents. While the partner went to prepare summonses for the parking and excessive noise violations, CCRB found it is undisputed that Timothy Kraft entered the automobile, searched the area under the seat, the glove compartment, the center console, and the trunk. Timothy Kraft then told the driver/owner that he was going to take the auto as evidence and that he would be provided the property voucher for the auto and have his personal property returned at the precinct. Timothy Kraft admitted that he entered the auto and searched areas of the auto. Timothy Kraft stated that it is standard procedure to seize and voucher the automobile as evidence in connection with an excessive noise complaint involving loud music from the auto's sound system. He stated that the purpose of searching the auto at the scene is to return the owner's personal property from the automobile. In this case, however, because the civilians at the scene were becoming unruly, it was decided that the owner's property would be returned at the precinct. Timothy Kraft drove the car back to the precinct where his partner vouchered the auto and returned his personal property to the driver. His personal property was not vouchered before being returned. The CCRB concluded that both the search and seizure of the automobile were not justified under the law. Assuming that the auto was properly seized, a proper inventory search would have been justified. The CCRB concluded, however, that the search of the auto was not conducted in compliance with NYPD rules. Particularly, the property was returned to the owner and not itemized and listed on property vouchers. The search also could not be justified as an automobile search. There was no credible claim that there was probable cause to believe that the automobile contained evidence of a crime and no claim that the auto was searched based on a reasonable fear for the officers' safety. The CCRB also concluded that the seizure of the automobile itself was also improper. In order to properly seize a vehicle, there must be probable cause to arrest the driver for a crime, a potential for a successful forfeiture proceeding, or a necessity to impound the automobile to preserve it as evidence. The CCRB concluded that none of those conditions were met. Finally, as it was also undisputed that Timothy Kraft had not made memo book entries related to the incident and that no officer had prepared a Stop, Question, and Frisk Report, He was cited for other misconduct.

5. Based on the preceding Civilian Complaint Review Board recommendation, the New York City Police Department (NYPD) has deemed substantiated an allegation that Timothy Kraft, on or about September 8, 2012, failed to make activity log entries related to his participation in the incident at that date and time when he was required to do so.
6. The New York City Police Department (NYPD) also issued Charges & Specs that Timothy Kraft, while on duty on or about September 8, 2012, at approximately 0055 hours, in the vicinity of Dyckman Street and Payson Avenue in New York County, searched a motor vehicle belonging to a person known to the department without sufficient legal authority. Timothy Kraft was found guilty of that charge at a departmental trial.
7. Timothy Kraft is a named defendant in the civil action *Sonia v. the City of New York et al.*, 15CV00494, filed in the District Court for the Southern District of New York. The suit involves an incident that occurred on January 13, 2014.

Various publicly available websites and databases contain disciplinary information for certain law enforcement officers. Information in such databases about this officer is not necessarily included in this advisory.

Any information herein regarding civil lawsuits against an officer is not necessarily a complete list of civil lawsuits in which that officer is a defendant.

Allegations of misconduct that have not been substantiated and are not pending (including, but not limited to, findings of unsubstantiated, unfounded, and exonerated), and allegations of technical infractions, are not subject to disclosure and are not included in this advisory.

The decision to include information in this advisory does not represent a conclusion by the People that it is required to be disclosed.

The People reserve the right to oppose or move to limit the use of any information included herein or disclosed in the future.

If you have any questions, please contact the Assistant District Attorney assigned to the case on which you are receiving this advisory.

Date: January 13, 2021